

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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RONALD J. ALLISON,

Plaintiff,

v.

CLARK CO DETENTION CENTER,

Defendants.

Case No. 2:22-cv-01221-CDS-EJY

ORDER

Pending before the Court is Plaintiff's initiating document (ECF No. 1-1) that may be an attempt to file a complaint. However, Plaintiff did not submit an application to proceed *in forma pauperis*, pay the \$402 filing fee, or file an initiating document that complies with Local Special Rule 2-1.

I. DISCUSSION

A. There is No Application to Proceed *In Forma Pauperis* and the Filing Fee Has Not Been Paid.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis* allowing the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Plaintiff failed to submit an application to proceed *in forma pauperis* and, as stated, has not paid the required filing fee.

B. Plaintiff's Initiating Document Does Not Comply with Local Rules and Fails to Identify a Proper Defendant.

Plaintiff's initiating document, at ECF No. 1-1, fails to comply with Local Special Rule 2-1 ("LSR 2-1") requiring a civil rights complaint filed by a person who is not represented by an attorney to be submitted on the form provided by the Court. The Rule further requires that the complaint must contain substantially all the information called for by the Court's form.

Here, Plaintiff's initiating document is not on the Court's form and identifies one Defendant, Clark County Detention Center, which is not a proper defendant. *Yates v. NaphCare*, Case No. 2:12-cv-01865-JCM, 2013 WL 4519349, at *3 (D. Nev. Aug. 23, 2013) (dismissing plaintiff's complaint against Clark County Detention Center); *Belssner v. Nevada*, Case No. 2:15-cv-00672-APG-PAL, 2017 WL 2990848, at *1 (D. Nev. July 12, 2017) (dismissing plaintiff's complaint against the Regional Justice Center). Accordingly, Plaintiff's initiating document, which is not on the proper form, also fails to plead a claim that may be considered by the Court.

II. ORDER

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **September 12, 2022**, Plaintiff must (1) file a complaint in compliance with LSR 2-1, and (2) either pay the \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court a completed Application to Proceed *in Forma Pauperis* for Inmate on this Court's approved form that includes (1) the information requested on pages 1 through 3 and contains Plaintiff's two signatures on page 3, (2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and (3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

IT IS FURTHER ORDERED that failure to file a compliant in compliance with LSR 2-1 and either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **September 12, 2022** will result in a recommendation to dismiss this action without

1 prejudice. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a
2 new case number, when he is able to comply with LSR 2-1 and file a complete application to
3 proceed *in forma pauperis* or pay the required filing fee.

4 DATED this 12th day of August, 2022.

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6 ELAYNA J. YOUCHAH
7 UNITED STATES MAGISTRATE JUDGE
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